

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

|                                  |   |                               |
|----------------------------------|---|-------------------------------|
| <b>ONOFRIO POSITANO,</b>         | : | <b>CIVIL NO. 3:16-CV-1570</b> |
|                                  | : |                               |
| <b>Plaintiff</b>                 | : | <b>(Chief Judge Conner)</b>   |
|                                  | : |                               |
| <b>v.</b>                        | : |                               |
|                                  | : |                               |
| <b>THERESA DELBALSO, et al.,</b> | : |                               |
|                                  | : |                               |
| <b>Defendants</b>                | : |                               |

**ORDER**

AND NOW, this 23rd day of February, 2017, upon consideration of plaintiff's motion (Doc. 31) for appointment of counsel, and assuming that plaintiff's claims have an arguable basis in law and fact, and it appearing from the amended complaint (Doc. 15) and the instant motion (Doc. 31), that plaintiff is capable of properly and forcefully prosecuting his claims, and that discovery neither implicates complex legal or factual issues nor requires factual investigation or the testimony of expert witnesses, see Tabron v. Grace, 6 F.3d 147, 155 (3d Cir. 1993), and it being well-established that indigent civil litigants possess neither a constitutional nor a statutory right to appointed counsel in a civil case, Montgomery v. Pinchak, 294 F.3d 492, 498 (3d Cir. 2002), and that district courts have broad discretion to determine whether to appoint counsel under 28 U.S.C. 1915, it is hereby ORDERED that:

1. The motion (Doc. 31) for appointment of counsel is DENIED. If further proceedings demonstrate the need for counsel, the matter will be reconsidered either *sua sponte* or upon motion of plaintiff.
2. The pre-trial schedule in the above-captioned case shall be as follows:
  - a. Discovery shall be completed on or before July 17, 2017.
  - b. In accordance with Local Rule of Court 5.4(b), the parties shall refrain from filing discovery requests with the court.
  - c. Dispositive motions shall be filed on or before August 17, 2017.
  - d. Scheduling of a final pre-trial conference and the trial date of this matter is deferred pending disposition of dispositive motions.
3. Any motions or briefs filed after the expiration of the applicable deadline without prior leave of court shall be stricken from the record.
4. No extensions of the pre-trial schedule shall be granted absent good cause. See Fed. R. Civ. P. 16(b).

/S/ CHRISTOPHER C. CONNER  
Christopher C. Conner, Chief Judge  
United States District Court  
Middle District of Pennsylvania